

## **REMARKS**

### **Information Disclosure Statement**

Applicant notes the Examiner did not mark as consider an article by Blumen listed on PTO Form 1449 mailed January 14, 2004 (received by PTO mail room on January 20, 2004). A copy of the Form is enclosed for the Examiner's convenience. Applicant solicits the Examiner to initial the Blumen reference as having been considered.

All independent claims (Claims 1, 10, 15 and 19) have been amended to more clearly recite the present invention in a manner to distinguish over the cited art.

Claims 15 and 19 (both Amended) now more clear recite the expander member 20 as an element which does not penetrate into the tissue of the pharyngeal wall but acts against and urges the tissue of the wall into a compressed state. The tissue is then stabilized in a compressed state (e.g., by adhesives or other techniques described or suggested by the specification).

Conrad et al. (US 6,250,307) describes implants placed within tissue without describing application of a force external to the tissue to compress the tissue. Therefore, Conrad et al. does not show or suggest the claimed structure. Similarly, with respect to claim 15 (Amended), Conrad et al. does not describe stabilizing compressed tissue of a pharyngeal wall in a compressed state. In Conrad et al., there is no discussion at all of compressing pharyngeal wall tissue.


Finally, with respect to Claim 10 (Amended), Conrad et al., does not show securing any portion of a pharyngeal wall to any underlying anatomic structure as described on page 13 (starting at line 28) of the specification (and illustrated in Fig. 19).

For the reasons given, Applicants submit this application is now in condition for allowance. Reconsideration and Notice of Allowance are solicited.

Respectfully submitted,

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